

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA	*	Criminal 00-108(DRD)
Plaintiff	*	
V.	*	
FERNANDO GOMEZ-ROSARIO	*	
Defendant	*	

MOTION REQUESTING COURT ORDER**TO THE HONORABLE COURT:**

COMES NOW defendant Fernando Gomez-Rosario, pro se and through his standby undersigned attorney and respectfully states and prays as follows:

1. Defendant was advised by the undersigned counsel that the Court had denied the motion to reschedule the sentencing hearing.
2. Defendant in view of the Court's denial to reschedule the sentencing hearing has requested the instant motion to be filed on his behalf. Defendant indicated that as he does not have his case file or any of his legal documents for sentencing and, he, at the very least needs the following:
 - a. A Court order that he be provided with copy of the videos taken at the hotel and which were used as evidence at trial; in addition he is requesting a video the case agents failed to provide the defense. He further indicated that counsel Linda George would have the videos that were provided and used as evidence in the case.¹ Standby counsel contacted Atty. Miriam Ramos who indicated that the case file she had had been forwarded to Andrew

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Standby counsel tried to contact Atty. Linda George at the phone numbers that we have for her which are: (201)303-6795; (201)487-5225; (201)487-8807, these phone numbers are not longer in service for Linda George.

Nathanson, Esq., appeal counsel. A facsimile was sent to Atty. Andrew Nathanson requesting the case file for defendant Gomez Rosario.

- b. A court order/subpoena to the Metropolitan Hospital for the records of German Franco Restrepo of April 20th, 2000 who was treated at the Emergency Ward of said hospital and taken there by defendant Fernando Gomez Rosario. Defendant indicated to standby counsel that he needs the records to argue at sentencing the issue of perjury and the determination of the Court to find that an enhancement pursuant to Guideline § 3C1.1 is warranted.
3. Defendant is requesting copy of all the pleadings filed in objection to the PSR as well as the government's response to the same. Standby counsel contacted probation officer Cancio who identified the documents defendant is requesting and an attempt was made to retrieve the documents from the electronic case file. Those particular documents are not available for retrieval. Standby counsel contacted in an attempt to obtain copies of these documents and videos contacted the U.S. Attorney's office and AUSA Edwin Vazquez, who is assigned to the case, is not in the office and will not be returning until October 20, 2005; a message was left with his secretary for him to contact standby counsel. Last, the Clerk's Office has been contacted with a request to obtain the copies defendant has requested; the Clerk's Office will try to provide copies.
4. The undersigned standby counsel advised defendant that she does not have the defense case file. Counsel did receive copies of trial transcripts and presentence report

WHEREFORE, defendant requests that the Court grant this motion and issue the orders as requested.

RESPECTFULLY SUBMITTED.

CERTIFICATE OF SERVICE: I hereby certify that on this date the present document has been filed electronically and is available for viewing and downloading from the Court's CM/ECF system by, U.S. Attorney's Office.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 19th day of October, 2005.

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